

Hon. Tim Bishop  
Statement on S. 2016/H.R. 3961  
*Procedural Fairness for September 11<sup>th</sup> Victims Act of 2007*  
October 30, 2007

On behalf of my colleagues of New York's congressional delegation, and as one who represents families of the first responders and victims of the September 11<sup>th</sup> terrorist attacks, I am proud to rise as the sponsor of the companion to this important legislation.

I also wish to thank my 11 bipartisan cosponsors and the distinguished Judiciary chairman, Mr. Conyers, as well as the Democratic leadership for expediting its consideration.

The Procedural Fairness for September 11<sup>th</sup> Victims Act of 2007, as its title implies, ensures fairness for the victims of the terrorist attacks by correcting a shortcoming in the federal rules of civil procedure and by reversing an unintended consequence of the bill that established the September 11<sup>th</sup> Victim Compensation Fund.

Although I was not yet in Congress, many of my colleagues who were here at that time will recall when this body passed the bill creating the compensation fund in 2001.

Shortly thereafter, the Justice Department administered how the fund could allow victims of the terrorist attacks or their families to apply for financial assistance following the loss of loved ones who perished on that tragic day.

The Justice Department also designated the Southern District of New York as the only court in which 9/11 claims could be litigated if victims and their families choose to opt out of the fund.

Consequently, families of the victims – as well as the defendants in 9/11 cases – cannot gain access to testimony or documents from witnesses who do not live within 100 miles of the Southern District of New York.

But there's really no logical reason why victims and their families should be prevented from securing documents and witnesses, just because they happen to be more than 100 miles outside the Southern District of New York.

It is obvious that many of the victims aboard the four airliners that crashed and those who were killed inside the World Trade Center and the Pentagon – as well as those who witness these horrific events – resided well outside of this 100 mile radius of the Southern District of New York.

And it should be assumed that many of the families of the victims who are involved in 9/11 claims, or those who will seek compensation at a later date, as well as the witnesses, still live in the same locations across the country. Therefore, geography simply should have no role in how they seek compensation.

In response to this problem, this bill amends the Air Transportation Safety and System Stabilization Act to provide for nation-wide subpoena power to all parties involved – victims, their families, and the defendants – when litigating 9/11 claims.

Simply put, this bill establishes a full measure of justice by allowing subpoenas to be served anywhere in the country, ensuring that all the parties involved in 9/11 suits can gain all the information necessary to try these cases fully and fairly.

My colleagues on both sides of the aisle can agree that justice requires that all the parties to cases arising under the Victims Compensation Fund have access to all the testimony and documents relevant to their claims, regardless of where the witnesses or documents are located in the United States.

Therefore, Mr. Speaker, I encourage my colleagues to support The Procedural Fairness for September 11<sup>th</sup> Victims Act of 2007. Once again, I commend the Judiciary Committee for reporting this measure to the floor and I thank the leadership for moving it so promptly.